

AUG 15 2007

PATENT
Attorney Docket No. 24.355**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor : Francis T. McGreevy
Serial No. : 10/735,475
Filed : December 12, 2003
Title : Virtual Control of Electrosurgical Generator Functions

Group Art Unit : 2121
Confirmation No. : 4309
Examiners : Sunray Chang/Anthony Knight

Response to Second Office Action

Mail Stop Amendment
Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the second Office Action mailed May 16, 2007, it is respectfully requested (1) that the rejections presented in that office action be reconsidered, and then either (2a) a new non-final office action that complies with the law and US PTO policy as expressed in MPEP 706.02 (j) be substituted for the May 16 office action, so as to afford the applicant a fair opportunity to respond, or (2b) the pending claims be allowed.

A listing of the pending claims is presented below in Part 1.

Remarks concerning the inadequate nature of the obviousness rejections of the May 16 office action, and the basis for the requests made above, are discussed in Part 2 below.

AMENDMENT TRANSMITTAL LETTER**RECEIVED
CENTRAL FAX CENTER****AUG 15 2007**

IN RE THE APPLICATION OF: Francis T. McGreevy

SERIAL NO. : 10/735,475
 DATE FILED : December 12, 2003
 FOR : VIRTUAL CONTROL OF ELECTROSURGICAL GENERATOR FUNCTIONS

Mail Stop Amendment
 Director of the U.S. Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450

SIR:

TRANSMITTED HERewith ARE THE FOLLOWING:

☒ Response to Second Office Action

FEES HAVE BEEN CALCULATED AS SHOWN BELOW:

	(COL. 1) CLAIMS REMAINING AFTER AMENDMENT	(COL. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(COL. 3) PRESENT EXTRA	SMALL ENTITY			LARGE ENTITY	
				RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL:	*60	- 68	**0	X \$25 =	\$0.00	OR	X \$50 =	\$0.00
INDEP:	*3	- 6	***0	X \$100 =	\$0.00	OR	X \$200 =	\$0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS				+ \$180 =		OR	+ \$360 =	
ADDITIONAL FEES				TOTAL:	\$0.00	OR	TOTAL:	\$0.00

*IF THE ENTRY IN COL. 1 IS LESS THAN THE ENTRY IN COL. 2, WRITE "0" IN COL. 3.

**IF THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" IN THIS SPACE IS LESS THAN 20, WRITE "20" IN THIS SPACE.

***IF THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" IN THIS SPACE IS LESS THAN 3, WRITE "3" IN THIS SPACE.

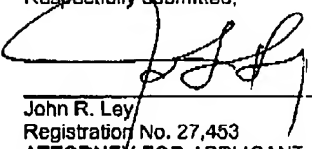
THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" (TOTAL OR INDEPENDENT) IS THE HIGHEST NUMBER FOUND FROM THE EQUIVALENT BOX IN COL. 1 OF A PRIOR AMENDMENT OR THE NUMBER OF CLAIMS ORIGINALLY FILED.

☐ A CHECK IN THE AMOUNT OF \$_____ FOR THE ADDITIONAL FEES IS ENCLOSED.☐ A CHECK IN THE AMOUNT OF \$_____ TO COVER THE PETITION FEE IS ENCLOSED.☐ A CHECK IN THE AMOUNT OF \$_____ FOR THE ADDITIONAL FEES AND PETITION FEE IS ENCLOSED.☒ THE DIRECTOR IS HEREBY AUTHORIZED TO CHARGE ANY FEE DEFICIENCIES OR CREDIT ANY OVERPAYMENT ASSOCIATED WITH THIS COMMUNICATION TO DEPOSIT ACCOUNT NO. 12-1087. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

☒ ANY FILING FEES UNDER 37 CFR 1.16 FOR THE PRESENTATION OF EXTRA CLAIMS.
☒ ANY PATENT APPLICATION PROCESSING FEES UNDER 37 CFR 1.17.

Dated at Greenwood Village, Colorado, this 15th day of August, 2007.

Respectfully submitted,


 John R. Ley
 Registration No. 27,453
 ATTORNEY FOR APPLICANT

JOHN R. LEY, LLC
 5299 DTC Blvd., Suite 610
 Greenwood Village, Colorado 80111-3327
 Telephone: (303) 740-9000
 Facsimile: (303) 740-9042

Customer No. 28785